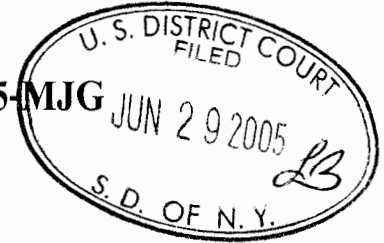


DOC # 4

CLOSED

**U.S. District Court
District of Maryland (Baltimore)
CIVIL DOCKET FOR CASE #: 1:04-cv-03345-MJG
Internal Use Only**



Koch et al v. Hicks et al
Assigned to: Judge Marvin J. Garbis
Demand: \$12000000000
Related Case: 1:05-cv-00108-MJG
Cause: 28:1442 Notice of Removal

Date Filed: 10/15/2004
Jury Demand: Plaintiff
Nature of Suit: 893 Environmental
Matters
Jurisdiction: Federal Question

Plaintiff

Hope Koch

represented by **Marshall N Perkins**
Charles J Piven PA
The World Trade Center
401 E Pratt St Ste 2525
Baltimore, MD 21202
14103320030
Fax: 14106851300
Email: perkins@pivenlaw.com
ATTORNEY TO BE NOTICED

Plaintiff

Frank Koch

represented by **Marshall N Perkins**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Charles J Piven
Charles J Piven PA
The World Trade Center
401 E Pratt St Ste 2525
Baltimore, MD 21202
14103320030
Fax: 14106851300
Email: piven@pivenlaw.com
ATTORNEY TO BE NOTICED

Lon C Engel
Engel and Engel PA
11 E Lexington St Ste 200
Baltimore, MD 21202
14107275095
Fax: 14107271830
Email: lengel@engellaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

John R. Hicks

doing business as
Crossroads Exxon

represented by **Paul W Ishak**

Law Office of Paul Ishak
30 Office St
Bel Air, MD 21014
14108792222
Fax: 14108790688
Email: pishak@starkandkeenan.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Exxonmobil Oil Corporation

doing business as
; Exxon Corporation

represented by **Andrew Gendron**

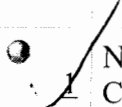
Venable Baetjer and Howard LLP
Two Hopkins Plz Ste 1800
Baltimore, MD 21201
14102447400
Fax: 14102447742
Email: agendron@venable.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael E Leaf

Hodes Ulman Pessin and Katz PA
112 S Main St Ste 102
Bel Air, MD 21014
14108932333
Fax: 14108930795
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Mae Euteneuer















Hodes Ulman Pessin and Katz PA
901 Dulaney Valley Rd Ste 400
Towson, MD 21204
14109388800
Fax: 4108252493
Email: seuteneuer@hupk.com
ATTORNEY TO BE NOTICED













Date Filed	#	Docket Text
10/15/2004		NOTICE OF REMOVAL by Exxonmobil Oil Corporation from Circuit Court for Harford Co., case number 12-C-04-1834. (Filing fee \$ 150 receipt number 1207838), filed by Exxonmobil Oil Corporation.

(Attachments: # 1 Civil Cover Sheet # 2 Consent to Removal by Defendant John R. Hicks)(raf, Deputy Clerk). (Entered: 10/19/2004)

10/15/2004	● <u>2</u> ✓	COMPLAINT against Exxonmobil Oil Corporation, John R. Hicks , filed by Frank Koch, Hope Koch.(raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	●	JURY TRIAL DEMAND by Frank Koch, Hope Koch. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>3</u> ✓	Summons Issued (30 days) as to Exxonmobil Oil Corporation. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>4</u> ✓	SUMMONS Returned Executed by Frank Koch, Hope Koch. Exxonmobil Oil Corporation served on 7/1/04. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>5</u> ✓	MOTION for Class Certification; and Request for Hearing by Frank Koch, Hope Koch. (Attachments: # <u>1</u> Memorandum in Support)(raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>6</u> ✓	MOTION to Dismiss by Exxonmobil Oil Corporation. (Attachments: # <u>1</u> Memorandum in Support)(raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004		***Attorney Michael E Leaf for Exxonmobile Oil Corporation, Susan Mae Euteneuer for Exxonmobile Oil Corporation added. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>7</u> ✓	Correspondence from Counsel to Judge Emory Plitt. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>8</u> ✓	MEMORANDUM to Counsel. Signed by Judge Emory Plitt, Jr. on 9/22/04. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>9</u> ✓	ORDER OF CONSOLIDATION. Signed by Judge Emory A. Plitt, Jr. on 9/23/04. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>10</u> ✓	Correspondence from Counsel to Judge William O.Carr. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>11</u> ✓	Correspondence from Counsel to Judge Emory A. Plitt, Jr. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>12</u> ✓	Correspondence from Counsel to Judge Emory A. Plitt, Jr. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>13</u> ✓	Correspondence from Counsel to Judge Emory A. Plitt, Jr. (raf, Deputy Clerk) (Entered: 10/19/2004)
10/15/2004	● <u>14</u> ✓	MEMORANDUM to Counsel. Signed by Judge Emory A. Plitt, Jr. on 9/28/04. (raf, Deputy Clerk) Additional attachment(s) added on 10/20/2004 (raf, Deputy Clerk). (Entered: 10/19/2004)
10/15/2004	● <u>15</u> ✓	MEMORANDUM to Counsel. Signed by Judge Emory A. Plitt, Jr. on 9/28/04. (raf, Deputy Clerk) (Entered: 10/19/2004)

10/15/2004	 <u>16</u> ✓	PLAINTIFFS' RESPONSE in Opposition to Hicks Motion to Dismiss/Motion for Summary Judgment; Motion to Strike the Hicks' Summary Judgment Motion; and Request for Hearing filed by Frank Koch, Hope Koch. (raf, Deputy Clerk) (Entered: 10/20/2004)
10/15/2004	 <u>17</u> ✓	PLAINTIFFS' RESPONSE in Opposition to Defendant Exxonmobil Corporation's Motion to Dismiss; and Request for Hearing filed by Frank Koch, Hope Koch. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(raf, Deputy Clerk) (Entered: 10/20/2004)
10/15/2004	 <u>18</u> ✓	Plaintiffs' NOTICE of Voluntary Dismissal, without Prejudice, of Count 4 of Class Action Complaint by Frank Koch, Hope Koch (raf, Deputy Clerk) (Entered: 10/20/2004)
10/15/2004	 <u>19</u> ✓	Notice of filing of state court discovery material by Frank Koch, Hope Koch (raf, Deputy Clerk) (Entered: 10/20/2004)
10/15/2004	 <u>20</u> ✓	NOTICE OF FILING NOTICE OF REMOVAL by Frank Koch, Hope Koch (raf, Deputy Clerk) (Entered: 10/20/2004)
10/15/2004	 <u>20</u>	THE ABOVE PLEADINGS 2 THROUGH 20 ARE COPIES FILED IN THE CIRCUIT COURT FOR HARFORD COUNTY. (raf, Deputy Clerk) (Entered: 10/20/2004)
10/20/2004	 <u>21</u> ✓	STANDING ORDER re: REMOVAL. Signed by Judge Marvin J. Garbis on 10/20/04. (raf, Deputy Clerk) (Entered: 10/20/2004)
10/21/2004	 <u>22</u> ✓	MOTION to Remand by Frank Koch, Hope Koch. Responses due by 11/8/2004 (Attachments: # <u>1</u> Memorandum Of Law)(Perkins, Marshall) (Entered: 10/21/2004)
10/22/2004	 <u>23</u> ✓	MOTION to Vacate <i>Assignment of Multiple Case Numbers</i> by Exxonmobil Oil Corporation. Responses due by 11/8/2004 (Attachments: # <u>1</u> Memorandum in Support)(Gendron, Andrew) (Entered: 10/22/2004)
10/22/2004	 <u>24</u> ✓	MOTION to Dismiss by Exxonmobil Oil Corporation. Responses due by 11/8/2004 (Attachments: # <u>1</u> Memorandum in Support)(Gendron, Andrew) (Entered: 10/22/2004)
10/22/2004	 <u>25</u> ✓	Correspondence re: Line to Record - Hicks' Motion to Dismiss/Motion for Summary Judgment (Ishak, Paul) (Entered: 10/22/2004)
10/22/2004	 <u>26</u> ✓	Correspondence re: Line to Record - Hicks' Response to the Motion for Class Certification (Ishak, Paul) (Entered: 10/22/2004)
10/22/2004	 <u>27</u> ✓	Correspondence re: Line to Record - Letter of September 17, 2004 from Paul W. Ishak, Esquire to the Honorable William O. Carr (Ishak, Paul) (Entered: 10/22/2004)
10/25/2004	 <u>28</u> ✓	Local Rule 103.3 Disclosure (Koch Plaintiffs). (Perkins, Marshall) (Entered: 10/25/2004)
10/25/2004	 <u>29</u> ✓	Second MOTION to Remand by Frank Koch, Hope Koch. Responses due by 11/12/2004 (Perkins, Marshall) (Entered: 10/25/2004)

10/25/2004	 <u>30</u>	Memorandum re <u>29</u> Second MOTION to Remand filed by Frank Koch, Hope Koch. (Perkins, Marshall) (Entered: 10/25/2004)
10/26/2004	 <u>31</u>	Local Rule 103.3 Statement of Interest. (Attachments: # <u>1</u>)(Gendron, Andrew) (Entered: 10/26/2004)
10/26/2004	 <u>32</u>	Local Rule 103.3 Disclosure. (Ishak, Paul) (Entered: 10/26/2004)
11/01/2004	 <u>33</u>	RESPONSE re <u>21</u> Order <i>Concerning Removal</i> filed by Exxonmobil Oil Corporation, John R. Hicks. (Gendron, Andrew) (Entered: 11/01/2004)
11/01/2004	 <u>34</u>	NOTICE by Frank Koch, Hope Koch (<i>Remand statement, Court's 10/20/04 standing order</i>) (Perkins, Marshall) (Entered: 11/01/2004)
11/08/2004	 <u>35</u>	Memorandum re <u>29</u> Second MOTION to Remand, <u>22</u> MOTION to Remand <i>Opposition to Plaintiffs' Motions to Remand</i> filed by Exxonmobil Oil Corporation. (Attachments: # <u>1</u> Exhibit)(Gendron, Andrew) (Entered: 11/08/2004)
11/08/2004	 <u>36</u>	Request for Hearing re <u>35</u> Memorandum, <u>29</u> Second MOTION to Remand, <u>22</u> MOTION to Remand. (Gendron, Andrew) (Entered: 11/08/2004)
11/08/2004	 <u>37</u>	RESPONSE in Opposition to <i>ExxonMobil's Case No. Motion</i> , filed by Frank Koch, Hope Koch. Replies due by 11/22/2004. (Perkins, Marshall) (Entered: 11/08/2004)
11/12/2004	 <u>38</u>	RESPONSE in Opposition to <i>Kochs' Motion for Remand; Request for Hearing</i> filed by John R. Hicks. Replies due by 11/26/2004. (Ishak, Paul) (Entered: 11/12/2004)
11/15/2004	 <u>39</u>	CERTIFICATE of Counsel <i>Filing of State Court Papers</i> by Andrew Gendron on behalf of Exxonmobil Oil Corporation (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u>)(Gendron, Andrew) (Entered: 11/15/2004)
11/16/2004	 <u>40</u>	Summons Issued as to John R. Hicks. (jnl, Deputy Clerk) (Entered: 11/16/2004)
11/16/2004	 <u>41</u>	Preliminary response to class certification and request for scheduling conference by Exxonmobil Oil (jnl, Deputy Clerk) (Entered: 11/16/2004)
11/16/2004	 <u>42</u>	CERTIFICATE of Counsel <i>Amendment to Certification of Filing of State Court Papers</i> by Andrew Gendron on behalf of Exxonmobil Oil Corporation (Attachments: # <u>1</u> Exhibit Exhibit 9)(Gendron, Andrew) (Entered: 11/16/2004)
11/19/2004	 <u>43</u>	REPLY to Response to Motion re <u>29</u> Second MOTION to Remand, <u>22</u> MOTION to Remand [<i>Plaintiffs' reply, both remand motions</i>] filed by Frank Koch, Hope Koch. (Perkins, Marshall) (Entered: 11/19/2004)
11/22/2004	 <u>44</u>	RESPONSE re <u>37</u> Response in Opposition to Motion <i>Reply in Support of Motion to Vacate Assignment of Multiple Case Numbers</i> filed by

		Exxonmobil Oil Corporation. (Gendron, Andrew) (Entered: 11/22/2004)
12/01/2004	 <u>45</u>	MOTION for Leave to File <i>Surreply to Plaintiffs' Motions to Remand</i> by Exxonmobil Oil Corporation. Responses due by 12/20/2004 (Attachments: # <u>1</u> Exhibit)(Gendron, Andrew) (Entered: 12/01/2004)
12/07/2004	 <u>46</u>	MARGINAL ORDER granting <u>45</u> Motion of Exxon Mobil for Leave to File surreply to plaintiffs' motion to remand. Signed by Judge Marvin J. Garbis on 12/06/04. (jnl, Deputy Clerk) (Entered: 12/07/2004)
12/07/2004	 <u>47</u>	Surreply re <u>29</u> Second MOTION of plaintiffs to Remand filed by Exxonmobil Oil Corporation. (jnl, Deputy Clerk) (Entered: 12/07/2004)
01/05/2005	 <u>48</u>	NOTICE by Exxonmobil Oil Corporation of <i>Filing Notice of Related, Tag-Along Action with Judicial Panel for Multidistrict Litigation</i> (Attachments: # <u>1</u> Attachment# <u>2</u> Attachment# <u>3</u> Attachment)(Gendron, Andrew) (Entered: 01/05/2005)
01/10/2005	 <u>49</u>	MOTION to Stay <i>Proceedings Pending Action by Judicial Panel on Multidistrict Litigation</i> by Exxonmobil Oil Corporation. Responses due by 1/27/2005 (Attachments: # <u>1</u> Exxon Mobil Corporation's Memorandum of Law in Support of Its Motion to Stay Proceedings Pending Action by Judicial Panel on Multidistrict Litigation# <u>2</u> Exhibit Koch Exhibit 1# <u>3</u> Exhibit Koch Exhibit 2)(Gendron, Andrew) (Entered: 01/10/2005)
01/27/2005	 <u>50</u>	RESPONSE in Opposition re <u>49</u> MOTION to Stay <i>Proceedings Pending Action by Judicial Panel on Multidistrict Litigation --Stay Opposition--</i> filed by Hope Koch, Frank Koch. Replies due by 2/10/2005. (Perkins, Marshall) (Entered: 01/27/2005)
01/27/2005	 <u>51</u>	RESPONSE in Opposition re <u>49</u> MOTION to Stay <i>Proceedings Pending Action by Judicial Panel on Multidistrict Litigation --Appendix of Unreported Cases (Stay Opposition)--</i> filed by Hope Koch, Frank Koch. Replies due by 2/10/2005. (Perkins, Marshall) (Entered: 01/27/2005)
02/11/2005	 <u>52</u>	REPLY to Response to Motion re <u>49</u> MOTION to Stay <i>Proceedings Pending Action by Judicial Panel on Multidistrict Litigation</i> filed by Exxonmobil Oil Corporation. (Gendron, Andrew) (Entered: 02/11/2005)
02/25/2005	 <u>53</u>	NOTICE by Exxonmobil Oil Corporation <i>Conditional Transfer Order Issued by Judicial Panel for Multidistrict Litigation</i> (Attachments: # <u>1</u> Exhibit)(Gendron, Andrew) (Entered: 02/25/2005)
03/10/2005	 <u>54</u>	Substantive legal issues - addressing (Perkins, Marshall) (Entered: 03/10/2005)
03/29/2005	 <u>55</u>	MEMORANDUM AND ORDER. Signed by Judge Marvin J. Garbis on 3/29/05. (jnl, Deputy Clerk) (Entered: 03/29/2005)
03/29/2005	 <u>56</u>	ORDER STAYING and ADMINISTRATIVELY closing case pending related proceedings. Signed by Judge Marvin J. Garbis on 3/29/05. (jnl, Deputy Clerk) (Entered: 03/29/2005)
03/29/2005		***Civil Case Terminated. (jnl, Deputy Clerk) (Entered: 03/29/2005)

06/24/2005	<input checked="" type="radio"/> <u>57</u>	CERTIFIED TRANSFER ORDER from MDL Panel transferring this case to the Southern District of New York (jnl, Deputy Clerk) (Entered: 06/24/2005)
06/24/2005	<input checked="" type="radio"/> <u>58</u>	Correspondence from Clerk the USDC Southern District of New York re: transferring case. (Certified copy of docket sheet cc/mail) (jnl, Deputy Clerk) (Entered: 06/24/2005)

I hereby attest and certify on 6-24-05
that the foregoing document is a full, true and correct
copy of the original on file in my office and in my
legal custody
FELICIA C. CANNON
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND
By [Signature] Deputy